

REMARKS/ARGUMENTS

Claims 1 to 14, as amended, remain in this application which is a continuation of Application No. 09/959,223. In the Office action dated February 26, 2003 in the parent application, claims 1-7 were rejected under 35 U.S.C. §112 as indefinite. In response, applicants have amended claim 1 to more clearly recite that the subject matter claimed is a "plant-cultivating container," and not for the combination of a plant-cultivating container and a "plant body." Claim 5 has been amended using the suggestion provided by the examiner.

In the parent application, claims 1, 3 to 9, and 12 were rejected as anticipated by JP55-548225. That reference discloses the use of "[v]arious *porous* bodies having continuous *pores*" to create an "air-permeable and water-repellent *porous* body" for use as a vessel for containing a plant in order to "reduce the watering frequency" for the plant. (Emphasis added, see English translation, page 4.)

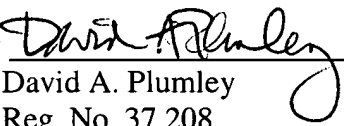
In contrast to the cited art, the amended claims are all directed to the use of a "*non-porous hydrophilic* film" for use in forming the selective moisture vapor-permeable portion of a plant-cultivating container. As set forth in the enclosed declaration of Akihiro Okamoto, the use of a "*non-porous hydrophilic* film" provides far better results compared to a "*microporous* hydrophobic film" such as is disclosed in the cited art. In particular, while both types of films provide fair results for short periods of time, after longer periods of time, the *microporous* films begin to leak liquid water while the *porous hydrophilic* films tend to continue to allow only water vapor to permeate the film. As is further pointed out in the declaration, the leakage did not appear to be due to any holes, cracks or breakage in the film. Because the use of a "*microporous* hydrophobic film" as the selective moisture vapor-permeable portion of a plant-cultivating container provides unexpected results, and is not taught or suggested by the cited reference, claims 1-14 are allowable over the cited art.

Moreover, new claims 13 and 14 specifically recite the particular materials which make up the film. Support may be found in the specification at page 13, lines 14-20. The use of such materials for the selective moisture vapor-permeable portion of a plant-cultivating container is neither taught nor suggested by the cited reference, and therefore these claims are patentable over the cited art.

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Amdt date January 20, 2004

Claims 1 to 14 remain in this application. Applicants submit that the claims as amended are now in condition for allowance. However, if there are any remaining questions, the examiner is asked to contact applicants' counsel at the number below.

Respectfully submitted,
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